IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35273 of 2008
DEEPAK KUMAR CHOUDHARY … Petitioner
Versus
THE STATE OF BIHAR … … Opp.Party
For the petitioner: Shri Dhananjay Kr.Gupta
For the State: Shri Dashrath Mehta, APP
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3. 12.11.2008 Heard.

The case is under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner is not named in the F.I.R. which was lodged by a Police Officer who found la man lying injured on the driving seat of Sumo vehicle. The man was bleeding from his head. The man was shifted to hospital and his statement was recorded. The F.I.R. indicated that this petitioner also reached there some times after the informant had reached the place of occurrence and identified the injured as Bablu Rajhans and further that it was an act well planned and nicely executed.

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I have been taken through the case diary, esp0ecially, paragraphs 14, 15 and 66 of it and I find that there is material in the case diary indicating that the petitioner

had hired some criminals for committing the murder of the deceased as the two were rivals in the liquor business and the petitioner wanted to eliminate the deceased. One of the accused hired by the petitioner named Prabhu appears confessing his guilt in his statement under Section 164 of the Code of Criminal Procedure. That statement is copied in paragraph 66 of the case diary and that gives the detailed description of the conspiracy and execution of the offence.

Regard being had to the facts, I am not inclined to direct the release of the petitioner on bail.

The petition is dismissed.

(Dharnidhar Jha, J.)

Kanth

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